

	<b>JUSTICE CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES</b>	<b>REFERENCES: 505 KAR 1:140 3-JDF-1A-08, 5A-03, 06, 10, 11, 14, 15, 16</b>
<b>CHAPTER: Detention Services</b>		<b>AUTHORITY: KRS 15A.065</b>
<b>SUBJECT: Criteria for Admissions</b>		
<b>POLICY NUMBER: DJJ 701</b>		
<b>TOTAL PAGES: 4</b>		
<b>DATE ISSUED: July 15, 2005</b>		<b>EFFECTIVE DATE: 02/03/06</b>
<b>APPROVAL: Bridget Skaggs Brown</b>		<b>, COMMISSIONER</b>

## I. POLICY

The use of detention shall be limited to youth alleged to have committed a violation of law who are: involved in being a threat to the community or a threat to themselves; being held to ensure their presence at court hearings; carrying out court ordered sanctions; being held on a DJJ Commissioner's Warrant; committed to DJJ and awaiting placement; and/or being held until transferred to other jurisdictions.

A youth who becomes eighteen (18) years of age while in detention, and who is either committed to DJJ or has a pending case in court, may remain in detention until final disposition and transfer to a facility.

A youth age ten (10) and younger shall not be placed in secure detention unless charged with a Capital, Class A, or Class B felony and then only if there is no appropriate alternative to detention program available.

## II. APPLICABILITY

This policy shall apply to all state-operated detention centers and alternative to secure detention programs.

## III. DEFINITIONS

- A. "Alternative to Secure Detention" means any resource which provides a less restrictive environment than Secure Detention, e.g., emergency shelter care, court resource home, day reporting center or home detention.
- B. "Out-Of-State Runaway" means a youth who leaves the active custody of a parent or guardian without permission in one state and flees to another state or absconds by leaving the state of legal jurisdiction without written authority and flees to another state in an effort to avoid legal process or supervision.
- C. "Secure Juvenile Detention Facility" means any facility used for the secure detention of children other than a jail, police station, lock-up, intermittent holding facility, or any building which is a part of, or attached to, any facility

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in which adult prisoners are confined or which shares staff with a facility in which adult prisoners are confined. Reference 15A.200(4).

- D. "Status Offender" means any youth adjudicated of committing acts, which if committed by an adult, would not be a crime.

#### **IV. PROCEDURES**

A. Documentation for Admission:

1. The agency or individual presenting a youth at a secure detention facility shall provide one of the following documents authorizing detention at the time of admission or the youth shall not be accepted for admission:
  - a. A bench warrant that indicates the reason for the issuance of the warrant;
  - b. A Commissioner's Warrant;
  - c. A court order;
  - d. A Pre-Adjudicative Detention Criteria Form (AOC JW-39);
  - e. A police citation for traffic violation for youth age 16 or older; or
  - f. An Interstate Compact agreement.
2. If the alleged violation is contempt of court or a probation or parole violation, the documentation shall include the underlying charge that resulted in the contempt, probation or parole violation. Lack of information relating to the underlying charge shall not be grounds to refuse admission; however, the agency or individual presenting the youth at a secure detention facility shall be instructed to forward such information to the detention facility within forty-eight (48) hours of admission for inclusion in the youth's file.

B. Admissions determinations shall be made according to the following guidelines:

1. Public Offenders (Predisposition)
  - a. Pursuant to KRS 610.265(1) accused public offenders picked up on a bench warrant may be accepted by Detention pending a court hearing. Youth so detained shall be brought before the juvenile court within forty-eight (48) hours of admission to review the necessity for continued detention.
  - b. Pursuant to KRS 610.265(2)(b)5 and 6, accused public offenders accompanied by a court order may be accepted by Detention and may be securely detained or admitted to a non-secure Alternative to Detention program for any length of time during the probable cause, adjudication, and disposition phases of the process, subject to limitations as determined by the court and reflected in the court order.

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- c. In accordance with KRS 610.265(2)(b)1, youth alleged to have committed a Capitol Offense, a Class A or Class B felony shall not be eligible for placement into a non-secure Alternative to Detention program without court authorization.
  - d. Pursuant to KRS 635.100, a youth picked up on a Commissioner's Warrant may be accepted by Detention and securely detained for up to five (5) days, excluding weekends and holidays, pending a probable cause hearing. If probable cause is found, the youth may be held for an additional ten (10) days, excluding weekends and holidays, pending a revocation hearing, unless a continuance is requested by the juvenile or his attorney. A youth who has remained in custody during the revocation process shall be placed, to the extent possible, within ten (10) days, excluding weekends and holidays, following the decision to revoke.
- 2. Public Offender (Post-disposition):
  - a. Pursuant to KRS 635.060 (4)-(5), post-dispositional public offenders may be accepted for admission and securely detained in accordance with a court order specifically requiring detention.
  - b. Pursuant to KRS 635.060 (3), a youth committed to the Department of Juvenile Justice pending placement, not specifically sentenced to detention, may be securely detained or placed in a non-secure alternative program for up to thirty-five (35) days after disposition.
- 3. Status Offenders
  - a. Pursuant to KRS 630.070, status offenders shall not be placed in secure detention as a means or form of punishment except following a finding that the youth has violated a valid court order.
  - b. Non-Secure Detention – A youth accused of being in contempt of court on an underlying status offense may be detained in a non-secure alternative program. The youth may not be securely detained except as provided below.
  - c. Secure-Detention – A youth accused of contempt on an underlying status offense may be securely detained if so ordered by the court for a total of 72 hours exclusive of weekends and holidays while the court is having a report prepared in accordance with KRS 610.265(2)(b)4.c and KRS 630.080.
  - d. If the youth is found to be in contempt, the youth may be securely detained for the amount of time ordered by the court.
- 4. Federal Wards and Out-of-State Runaways:
 

Pursuant to KRS Chapter 615, federal wards and out-of-state- runaways

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may be admitted to and securely detained in Detention up to 48 hours, excluding weekends and holidays, with a court order.

5. Each detention facility Superintendent shall adopt written plans which govern space arrangements and procedures to follow in the event of a group arrest that exceeds the maximum capacity of the facility. These plans shall be reviewed annually and updated if necessary.

## **V. MONITORING MECHANISM**

The Facility Superintendent, Regional Facilities Administrator and the Divisions of Placement Services and Program Services shall monitor these activities.